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THE CAIRO DECLARATION ON HUMAN RIGHTS IN ISLAM: CRITIQUE AND CONTEMPORARY RELEVANCE

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Abstract

The Cairo Declaration on Human Rights in Islam (CDHRI), adopted in 1990 by the Organization of Islamic Cooperation (OIC), presents a framework for human rights grounded in Islamic principles. While it affirms fundamental rights such as dignity, equality, and justice, it has faced criticism for its divergence from universal human rights norms, particularly regarding gender equality, religious freedom, and freedom of expression. This paper critically examines the CDHRI, analyzing its compatibility with international human rights instruments such as the Universal Declaration of Human Rights (UDHR). It explores tensions between Sharia-based provisions and secular human rights standards, assessing whether the declaration reinforces cultural relativism or offers a viable alternative to Western-centric rights discourses. Additionally, the study evaluates the contemporary relevance of the CDHRI in Muslim-majority states, considering its influence on domestic legal systems and its role in shaping human rights debates in the Islamic world. The paper argues that while the CDHRI provides a culturally contextualized approach to rights, its limitations in addressing modern challenges such as women's rights, apostasy laws, and minority protections highlight the need for reform. By engaging with critiques from both Islamic and secular perspectives, this study contributes to broader discussions on universalism versus cultural relativism in human rights discourse and suggests pathways for reconciling Islamic principles with global rights norms.

Keywords: Cairo Declaration On Human Rights In Islam (CDHRI), Islamic Human Rights, Sharia, Universal Declaration Of Human Rights (UDHR), Cultural Relativism, Gender Equality, Religious Freedom, OIC, Human Rights Critique.

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INTRODUCTION

On 5 August 1990, the Foreign Ministers of States that are Members of the Organization of Islamic Conference adopted the Cairo Declaration on Human Rights in Islam. The Declaration was later endorsed by the Heads of the OIC States at their 1991 Summit in Istanbul. It was the first international declaration to address the issue of human rights within an Islamic context. Since its enactment, the CDHRI has drawn criticism from writers and scholars who view it as an attempt by the OIC to create an "Islamic countermodel" for the protection of human rights. Criticisms have also been leveled against the declaration on the grounds that it is a contrived document lacking the necessary normative and behavioral components often required by such instruments (Mozaffari, 2021). The Koran and Sunnah are the only sources of reference for the Universal Islamic Declaration on Human Rights proposed by the OIC; this proposal, contrary to the Universal Declaration on Human Rights, contains no so-called un-Islamic rights, namely the socalled "right" to apostasy, the so-called "right" to an exclusive sexual orientation, and most importantly, the so-called "right" to free sex or the so-called "right" of an adult male or female not to marry. Instead, the Koran and Biometrics being the only source of reference for at most five religious obligations. Such manifold rights being given to an individual, totally negated collective, rights of the Muslim Ummah.

The CDHRI calls for a mechanism to implement and monitor the respect thereof by Member States; no such mechanism thus far exists. Also missing is a comment mechanism for the CDHRI, a deficiency it shares with the African Charter on Human and People's Rights and the Arab Charter on Human Rights. This paper analyses the CDHRI's background, mandate and status, using the Arabic and English texts adopted by the OIC Committee on Human Rights and Documents for consideration by its Ministers and States on the European side of the growing rift between Western and Islamic civilizations over human rights (Mozaffari, 2024). Additionally, it reviews the response of 26 countries, 20 of them Muslim, to the invitation to ratify the CDHRI by 31 December 1990.

Without question, the ascendance of various governments in recent years has presaged fundamental change throughout the world's political landscape; the situation in the Socialist world is particularly noteworthy. However, in the midst of this change chaos, the call for maintaining the Cairo Declaration on Human Rights remains unchanged. The Islamic Ummah continues to face the realities of a multi-dimensional crisis on multiple fronts (Yefet, 2021). Among these is a crisis of values; much debate is thus still vigorous on what is Islamic, subjective and objective, general and modern. Many important issues have commented upon, i.e., Islam and politics, magic and piety, freedom and assignment, science and religion, modernization, development, and economic system. That is, while human rights paradigms reacted to paradigms dealing with related issues, such discourse between the decades of the 8os and 9os on human rights has largely neglected the subject of recent nature.

HISTORICAL BACKGROUND

The Cairo Declaration on Human Rights in Islam (CDHRI) was adopted in Cairo at the 19th session of the Organization Islamic Conference (OIC) on 5 August 1990 during the OIC plenary and justified by a debate over human rights. It followed the earlier Islamic proclamation on human rights that inspired the preparation of the Cairo Declaration (Muhammed, 2021). This declaration was heavily influenced by the classical works of Islamic scholars concerned with the rights and duties of man, as well as the modern understanding, codifications, and enforcement mechanisms of human rights. The OIC's

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commitment to human rights by the Cairo Declaration was not a recognition of human rights as universal, rather the attempt to elaborate and create an international narrative on human rights in accordance with Islamic tenets.

When it adopted the Cairo Declaration, the OIC was still new to human rights. Though it had established the Independent Permanent Commission on Human Rights (IPCHR) earlier, it was at the 19th OIC Summit in Cairo that members committed to human rights advocacy. Zahir Tanin, chief of the OIC Bureau of Human Rights, noted that a human rights framework compatible with Islamic principles was largely ignored by the International Human Rights Commission. This oversight left concepts like democracy, freedom, and human dignity undefined in Islamic contexts, lacking mechanisms for justice in cases of human rights violations. (Elizabeth Mayer, 1994)

After adoption, some Muslim scholars as well as non-Muslim academics began the debate over human rights from the standpoint of Islamic tenets and practices. The declaration generated a variety of responses, particularly in the context of the perception that it would be used as an instrument to deny, violate, restrict, or ignore human rights, in the name of ruling law, morality, and culture. Many of these critiques appear valid, but they ignore one major aspect: the Islamic grounds of the declaration. A better understanding of the declaration requires an examination of Islamic foundations of it and critiques based in Islamic scholarship.

DEVELOPMENT OF HUMAN RIGHTS IN ISLAMIC THOUGHT

The universality of human rights has sparked debate in Muslim countries and beyond. Many Muslim states and scholars criticize specific rights in the Universal Declaration of Human Rights, advocating for an Islam-based declaration instead. In 1981, Ayatollah Khomeini proposed an Islamic human rights organization, leading to the OIC's establishment in 1989. In 1990, Islamic States adopted the Cairo Declaration, a version of Islamic human rights. It took nearly a decade for OIC countries to agree on a text akin to the UN's 1948 Declaration. While the Cairo Declaration received notable attention, there has been limited academic discussion regarding its viability as an alternative to the Universal Declaration of Human Rights (Keita2022). This study aims to examine the Cairo Declaration and analyze its key features and implications for today's world. It begins by exploring the historical context that shaped Islamic concepts of rights and justice. The analysis then focuses on the Cairo Declaration, discussing its content, structure, and evaluating its strengths and weaknesses from both Islamic and Universalist viewpoints. Lastly, the study assesses the declaration's contemporary relevance in the evolving Muslim world.

THE CAIRO DECLARATION: ORIGINS AND OBJECTIVES

The Cairo Declaration on Human Rights in Islam (CDHRI), established in 1990 in Cairo under the Organisation of Islamic Cooperation (OIC), represents a pivotal document on human rights in Islam, signed by all member states. It stands out as the first macro rights declaration designed as an Islamic response to the Universal Declaration of Human Rights (UDHR). The CDHRI aims to match the UDHR's diplomatic stature and offers a comprehensive enumeration of human rights. Its emergence reflects multiple factors, including the Islamic resurgence and concerns about Muslim identity amidst globalization and Western influences, as well as ongoing resistance to Western hegemony in human rights since the 19th century (Hashemi & Qureshi, 2022).

The CDHRI consists of 25 articles that reflect rights found in the UDHR or International Covenants, yet there are notable differences. It explicitly states that these rights are "subject

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to the Islamic Shari'ah," meaning they are not directly applicable in state practice. The CDHRI tasks authorities with determining these rights while stressing that all entities must observe them within the Shari'ah framework. Its objectives differ from the UDHR by often neglecting individual references and delivering rights in vague terms or in contexts permitting limited participation. (Bhushan, 2022) Despite its ambiguities, the CDHRI is a significant document, functioning as a written set of guidelines akin to a constitution, rather than just common understandings among a population. (Elizabeth Mayer, 1994)

KEY PRINCIPLES OF THE CAIRO DECLARATION

The Cairo Declaration on Human Rights in Islam was adopted by the Organization of Islamic Cooperation (OIC) on August 5, 1990, during the 19th Islamic Conference of Foreign Ministers in Cairo. It was unanimously embraced by OIC member states, representing various Islamic sects. The Declaration includes 25 articles arranged in a preamble and four chapters. It aims to blend contemporary human rights principles with Islamic values, asserting Islam as the foundation of human rights and emphasizing moral dimensions. It recognizes human rights as rooted in religious and moral origins and outlines rights that align with Islamic ethical teachings, prohibiting their infringement by any authority (Mozaffari, 2024). While celebrated by some as a historic achievement, others critique the Declaration as regressive, raising concerns that it requires adjustments. Article 1 recognizes the universal human rights and aligns it with an Islamic perspective, emphasizing that these rights are acknowledged by the Creator. It cites a Koranic verse affirming the dignity of humans. Article 2 expresses the intention for these divine rights to be constant and inalienable, grounded in Islamic law. A Committee of Five from Sudan, Nigeria, Pakistan, Egypt, and Saudi Arabia was formed to draft a declaration for the Conference of Foreign Ministers. They began drafting on June 21, 1990, and completed it within five days, ensuring translations were ready for Member States' review (Abd Allah & Abu'l-Naja). The Committee presented a draft Declaration, consisting of a Preamble and 30 Articles. After two hours of discussion focused on two Articles and adjustments, the Declaration was officially adopted.

FUNDAMENTAL RIGHTS AND FREEDOMS

The 1990 Cairo Declaration, which the Cairo Summit evaluated, was based on Ridâ'ah. The former Islamic Declaration of Human Rights (IDHR) is in effect a philosophy of human rights. A collection of a number of Islamic rules and Islamic values in other forms, The Cairo Declaration aimed to fill a gap in an existing declaration of human rights in Islam. The Declaration makes groundless assumptions, omissions, fatally flawed arguments, and statements. A glaring shortcoming of the Cairo Declaration is its failure to quote a full text of the IDHR, a document prepared and passed in nearly unanimous approval. The Cairo Declaration has not and cannot have the authority of the IDHR as an international document on human rights. Already a decade after its coming into force, it can be safely predicted that it will remain a dead letter. Although the Dahr el-Fitan did not bring down the Muslim Ummah, it has relegated it to insignificance and to third world status. Whether future generations of faithful Moslems would resurrect it and become relevant again rests on how much damage the Dahr el-Fitan has inflicted upon Islam and human societies as a whole (Abadi, 2024).

No consideration has been made of the IDHR. The Cairo Declaration presents a work of disingenuousness and shabby parochialism done by a dozen states or heads of states to soften the sharpness of the edges of the 1400 years onslaughts in the name of Islam against human rights.

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For better balance and for flesh and blood substance, the Cairo Declaration should have included provisions regarding what is today considered an indispensable human right with roots in the Qur'ân and Hadith, such as the rights of the child, including rights against illiteracy, provide fathers of children with non-discriminatory rights vis-a-vis children, protect the right against exploitation, rights to welfare and development, the right to be taught in the vernacular, and the rights from arbitrary expulsion from educational institutions.

The declaration raises some sensitive issues which need further elaboration, such as the concept of "modesty," which could be construed as limited freedom of expression; these need to be elaborated in a manner sensitive to local traditions and customs.

CULTURAL AND RELIGIOUS CONTEXT

A group of fifty-seven independent Islamic states formed the Organization of the Islamic Conference (OIC) in 1971. Following the 1979 Islamic Revolution in Iran, the OIC began to examine mystical human rights methods based on Islamic law (sharf'a). In 1981, the OIC adopted a resolution calling for the implementation of an Islamic Declaration of Human Rights. Thereafter, Egypt's al-Azhar University appointed a committee of Islamic scholars to prepare an Islamic Declaration of Human Rights. Following Eighth Islamic Conference of Foreign Ministers (ICFM) held in 1984 in Nairobi, Kenya, an Islamic declaration of human rights was formulated and adopted (Elizabeth Mayer, 1994). The Cairo Declaration on Human Rights in Islam (CDHRI) constitutes a crucial part of a scheme of Islamic human rights articulated by the OIC in the 1990s for the defence of political Islam.

The Cairo Declaration seeks to address the dual challenge rendered to Islamic values. When seen from a historical perspective, a status quo was maintained in which individual religions shared views on human rights and humane societies. However, in recent years, many Islamic countries have argued that traditional human rights systems fail to adjust to the realities of the contemporary world. As a result of the political theory in Islamic philosophy, cultivation of the transcendental institutions was weak (An-Na'im, 2021). Consequently, as long as the individual and society failed to fulfill their potential, issues of international human rights law remained secondary.

The Cairo Declaration on Human Rights in Islam seeks to create a fair system based on Islamic values. It suffers from confusion and a lack of clarity in many aspects that can differentiate Islamic World from Western society and claims that all consider human dignity and happiness and thus are universal. Additionally, since the Cairo Declaration relies on its sub-clauses and the references to the Qur'ân, it needs to be interpreted correctly to comprehend the intention of the wording (Simonsen2021). Islamic countries are not free from these regards, and such interpretations are valid in those countries as well. In addition to this confusion, some clauses contradict each other so that their compatibility poses immanent further challenge.

LIMITATIONS AND RESPONSIBILITIES

The last section of the C.D.H.R.I. contained provisions setting out limits to the enumerated rights and freedoms, and duties and responsibilities consequent on their enjoyment. The minority of States Parties acceding to the C.D.H.R.I. thus accepted that this and the contentions concerning the non-absolute nature of certain rights pursued with the last presentation of the Thai criterion still necessarily required further scrutiny. The more detailed consideration needed did not afford of any reassurance as to the moral validity the Islamic understanding of responsibility. Not so much clarity regarding the attendant duties of the citizen was given.

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NON-ABSOLUTE RIGHTS

The right to life (art. 1), second clause, States that "the right to life is protected by Islam", and goes on to list exceptional circumstances. Given that it had just been stated in art. 2, that all human beings "are born free and equal in dignity" and consequently "are entitled to protection" of that right at all times by all States Parties individually or collectively until "the day of judgement", doubts surfaced as to the moral legitimacy of expending public resources on the question of which entity might or might not assault this right with impunity.

The only State Party to expressly refer to this clause, when called upon to explain the precise role of the C.D.H.R.I. in protecting the life of opponent intellectuals inside and outside its territorial borders, answered that it was subject to existing international agreements. "In other words, the C.D.H.R.I. does not relate to concepts of future life or universal accountability" confirmed a subsequent elaboration (Elizabeth Mayer, 1994). As such, the identical right in the Preamble of the 1948 D.H.R. goes unarmed. Further, if belief in Allah is far from universal, and it logically follows that his earthly representatives might erred, any subsequent imperfections regarding the predicated enactment of this right by Convention signatories follow inevitably. In summary, as the moral imperative for realising this and all other human rights contained in the C.D.H.R.I. is predicated on the existence and nature of Allah and the belief in him and his messenger spread throughout by the Quran and Sunna, the demands of the C.D.H.R.I. cannot of themselves inspire the needed faith and conviction in contemporary eyes.

CRITIQUE OF THE CAIRO DECLARATION

With the issuance of the Cairo Declaration, the OIC indicated that it was asserting the existence of an Islamic counter-model of human rights. If the Cairo Declaration represents the epitome of Islamic teachings and values - and this article will argue that it does not - it proves that constitutionalism, human rights, equality, and similar notions are alien to the Islamic tradition. It follows, of course, that the obligations of Muslim states with regard to human rights declared by the OIC cease to be obligations for them as Muslims. If the Cairo Declaration conforms to the best that Islam has to offer, an Islamic model of rights cannot prudently be embraced by a Muslim state that aims to be civilized or to be a "just, democratic and egalitarian" state (Elizabeth Mayer, 1994). What more civilized state could possibly accrue from slotting into the Islamic model of rights than an eventual reenslavement to Allah?

Another possible consequence of the Cairo Declaration is the conclusion that international human rights norms do not properly exist in Islam. Like other Islamic human rights schemes, the Cairo Declaration is actually a hybrid of international and Islamic elements. Predating by nearly fifty years the Cairo Declaration's call for rights to be treated reasonably, prospectively, and guided by strictly moral conditions, the 1948 DHR tried to bury the problem of rights altogether. It has no counterpart in the Islamic legal legacy, "laudable" though it is.

The central feature of the Cairo Declaration is its implicit conception of international human rights in the civil and political arena as excessive. Yet, it also attempts to accommodate rights to entirely new freedoms, especially the rights of equality and justice. After asserting that 'fundamental rights and universal freedoms in Islam are an integral part of the Islamic religion,' the authors proceed to enumerate rights and freedoms on which 'Islamic' qualifications have been imposed, indicating that the authors saw in Islam justifications for restricting or denying rights and freedoms. The text of the Cairo

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Declaration leads to the conclusion that in only two areas does Islam positively require rights. Moreover, the rights enumerated by the declaration do not conform in requiring equal respect of all humanity to rights in the DHR, the UDHR, and the ICCPR. The DHR does not conform to the UNCHR and hence to a putative arsenal of international norms like the UDHR and the Vienna Declaration that respond to the recognized expectations of humanity as such. The Cairo Declaration is devoid of a single provision that might bear the stamp of priority of rights over state interest.

WESTERN PERSPECTIVES

During the drafting of the Cairo Declaration on Human Rights in Islam, the practice of holding preparatory meetings outside the Arab world in a Muslim nation was unprecedented. Apart from public remarks about general procedures, no assessment was made by member states or the Secretariat as to whether the final text conformed to its mandate or whether any of its thirty articles warranted further attention. This leads to a suspicion that the organization, and perhaps some member states, were selective in what provisions in the final text they chose to endorse (Baroudi, 2022). These provisions were politically less contentious and state-centric, and overlooked other problems. It is further speculated that Egypt was aware of this and that the presidency and the organization played significant roles in the preparation, drafting and negotiation of the Declaration.

The Cairo Declaration contains contentious provisions significant for many due to Islam's global importance and the failed attempts to enforce a universal human rights framework. The co-sponsors' perspectives were not fully expressed in proposals, yet the Declaration's preparation and endorsement suggest some members ignored substantial opposition from civil-liberties-focused Islamic movements since 1989 (Mozaffari, 2024). This examination of the negotiations and politics surrounding the Declaration highlights its role as a flawed but crucial attempt to create a rights framework for Islamic countries, addressing civil liberties issues overlooked by the Universal Declaration.

ISLAMIC PERSPECTIVES

While in some scholarly works it has been stressed that Islam does provide a solid basis for human rights, that perspective will not be addressed here. Instead, it is assumed that no human rights norms can be calibrated in an Islamic fashion, and that any Islamic reference to human rights norms is thus purely hypocritical and commercially utilitarian (Elizabeth Mayer, 1994). Proponents of the Cairo Declaration will be tasked with addressing the broader question of whether Islam could be construed to have its own doctrine of human rights. To the extent that such a doctrine could be formulated, the normative content thereof would be explored elsewhere. Such endeavors on a purely theoretical level may be ill-fitted to the potentialities of Islam as a normative vehicle for human rights. That Islam is pressed into service to advance the interests of those in power makes clear that not every tenet of a religion can be easily appropriated for human rights defenses. While some behaviors may easily be qualified in terms of a religious doctrine, others may be royal conflicted. Meanwhile, no position will be taken as to whether the tougher part of this task is feasible with respect to other religions.

Islam has been integrated into human rights discourse, despite secular arguments against it, leading to specific questions about this appropriation. This process goes beyond semiotic interpolation and can be better understood through Nicos Poulantzas's hybridization theory, which intersects cultural and political realms. The Islamization of human rights has significant political implications, influencing power dynamics among diverse factions within the Islamicist movement, state militaries, political powers, and

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religious organizations, posing potential threats of violence. Ultimately, it reflects strategic and political calculations as much as ideological beliefs.

COMPARATIVE ANALYSIS WITH UNIVERSAL HUMAN RIGHTS

International standards of human rights were adopted in 1948 by the United Nations. In 1981 the Organization of the Islamic Conference (OIC), now the Organization of Islamic Cooperation (OIC), was founded as a reaction to the universal human rights declared by the United Nations. The OIC indicated that it was asserting the existence of an Islamic countermodel of human rights. As an articulation of that countermodel, in 1990, the OIC proclaimed the Cairo Declaration on Human Rights in Islam, which is the OIC counterpart to the International Bill of Human Rights (Elizabeth Mayer, 1994). The Cairo Declaration represents a hybrid of international and Islamic elements. It borrows extensively from terms and concepts taken from the International Bill of Human Rights and combines them with elements inspired by Islamic law. In particular, the Cairo Declaration adopts a distinctive conception of international human rights that becomes apparent in comparing it with the International Bill of Human Rights.

The central feature of the Cairo Declaration is its implicit conception of international human rights as excessive, with the need for Islamic criteria to restrict them. After asserting that fundamental rights and universal freedoms in Islam are integral, the authors enumerate rights and freedoms on which Islamic qualifications have been imposed. These rights and freedoms are the right to life, rights to personal freedom, rights concerning family, health, work, education, freedom to seek knowledge, freedom of faith, opinion and expression, peaceful assembly and association, property rights, and asylum. A close examination of the Cairo Declaration reveals deficiencies in the human rights protection it affords and evasive wordings designed to disguise its deficiencies (ALI SAWED, 2018).

It would be a mistake, however, to proceed to the conclusion that the Cairo Declaration simply mirrors the Shari'ah and Islamic law. The signing states may embrace a fuller "Islamic family law," removing the rights to litigation, divorce (on the wife's terms), custody (of young children), maintenance, and equal treatment. However, the Cairo Declaration does embrace various secular Western rights and freedoms, such as social rights. It allows for restricting Muslim interpretation of standards and offers compelling justifications. Advocates of Muslim perspectives could simply see the Cairo Declaration as somewhat of a disappointment.

CONTEMPORARY RELEVANCE

Thirty years after the Cairo Declaration on Human Rights in Islam (CDHRI), it is crucial to reassess its religious-guided philosophy and its impact on global human rights discussions. The widening gap between high-ranking states and others, combined with the complex notion of "human rights" in the Muslim Middle East, complicates this discourse. Human rights arose as a response to inequities from entrenched differences. Modernity suggests that significant improvements require democratization in developing nations' lifestyles and beliefs. Thus, applying human rights broadly is essential for a fair political order, urging states to create conditions for upholding these rights. Since the 1960s, civic organizations have gained prominence, establishing international courts and global rights norms. In the Muslim world, civil society actors emerged in the early 1990s, addressing gaps between national cultures and international conventions, challenging power structures amid concerns over cultural alienation. (Elizabeth Mayer, 1994)

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APPLICATION IN MODERN ISLAMIC SOCIETIES

The Cario Declaration on Human Rights in Islam, which was adopted at the Third Organization of Islamic Conference (OIC) Summit held in Cairo in June 1990, is not simply a product of contemporary political conditions (Elizabeth Mayer, 1994). The Cairo Declaration was developed in the context of a collective effort by Islamic leaders to assert the role of Islam in the post-Cold War world. This was also a reaction to the Western HR discourse which was generally perceived as a weapon by the West to further its geo-political interests and intervene in developing countries. It was through this process that the idea of Islamic HR as a collective right of (Muslim) states began to gain momentum. This notion of HR, or as they termed it, rights, being a collective good of states, later led to the establishment of the OIC Group's own regional HR system, which resulted in the OIC Convention on HR in Islamic Countries.

At its 23rd extraordinary session, held in a video-conference format on 21st August 2020, the OIC Council of Foreign Ministers called for holding an urgent special session of the UNGA to discuss the threats of Islamophobia. It also decried Islamophobic practices, including state-sponsored discrimination and violence, negative portrayal of Islam and Muslims in the media, and crime and abuse against Muslims. This led to the idea of a Global Coalition against Islamophobia which was to be an effort to unite states, international and regional organizations, civil society, and media representatives in a collective response to Islamophobic practices.

In sum, it is quite remarkable to observe the coining of a new, counter-response notion of HR such as Islamophobia which is effectively mobilized at a state level and at an international organization level upon the continuous acts of dishonor against Islamic holy figures. The action of the OIC presents an innovative visual on the question of the universality of human rights. While others argue that HR is a Western notion and cannot serve for the majorities of the world, it is possible to observe that states pick up tu quoque arguments and deal with the issue within the framework of a notion of HR which is significantly different from, and in addition to, the notion championed by the West.

CHALLENGES AND OPPORTUNITIES

The Cairo Declaration on Human Rights in Islam was drafted in response to critiques of Islamic human rights, especially the Universal Declaration of Human Rights. The OIC's Goals and Objectives asserted Islam's role in safeguarding and uplifting humanity and recognized the need for a counterhuman rights declaration. Following several years of debate, the Cairo Declaration was adopted by the 1990 Cairo summit meeting. It is organized into a Preamble followed by 25 articles and asserts itself as an authentic gift to humanity from Muslim states. The Cairo Declaration's continued relevance concerns whether Muslims can promote it and thus reveal difference or whether they must, instead, feel shamed and unacceptable (Elizabeth Mayer, 1994). The Cairo Declaration's provisions being acceptable to Islam's God is reason enough to question their legitimacy. The specific challenge must also be addressed whether the Cairo Declaration's offer of contentment to its adherents is acceptable by clerics.

The Cairo Declaration offers a mixed legacy for Islamic human rights, recognizing certain rights and obligations for those outside the family or nation. While it includes commendable provisions, it shares concerns about individual dignity and liberty with more absolutist views. The Declaration does not lead to universal human rights but rather focuses on conditions and exemptions. Its emphasis on the state and family as protectors suggests negligence toward unresected Islamic nations (Araghchi & Bahreini, 2024). A

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major critique is the vague, general recognition of rights due to many conditions on their implementation, and ingrained cultural preferences hinder the realization and protection of these rights.

CASE STUDIES OF IMPLEMENTATION

In many OIC states, some Islamic groups advocate for harsh laws, including the death penalty for apostasy, hand amputation for theft, stoning for adultery, and physical punishment for false adultery accusations. Only strict Shari'a interpretations call for such punishments, and member states argue that differing Islamic jurisprudential schools prevent a single interpretation. The Cairo Declaration, ratified by several member states, has faced accusations of blocking justice in political trials disguised by legislation. Violent demonstrations often consider only allegations of public insults. Some oligarchical systems recognize only the five freedoms in the Cairo Declaration. Although wealth means the same for monopolists, Article 19's intent is contradicted by their actions. Despite pressure, some states evade ratifying the Cairo Declaration to monopolize rights. Calls for a unified definition of blasphemy against Islam, backed by the OIC, have emerged post-ratification. However, the Convention on Combating the Terrorism Propaganda contains contradictions that conflict with the Cairo Declaration. (Elizabeth Mayer, 1994)

In every presidential election, with well-founded motives, allegations are raised of international interference by foreign states. The OIC's systematic inability to provide suitable democratic alternatives for countries in possession of longer or shorter European legacies in governance questioned its legitimacy. Given the evident politicization of the religious establishment, and the depressed state of non-pawnbroker Islamic political parties which recently surreptitiously returned from a continental exile, an expectation of intervention seems to be a rewind to post-colonial nostalgia (Harris et al.2021). All caution of an unexpected fallout from misguided decisions is appropriate at a state actively attempting to grapple with the fallout of Isil's ingenious weaponization of the Shari'a.

THE ROLE OF INTERNATIONAL LAW

At a time when the expectation was that Islamic countries would preoccupy themselves with interpreting the implications of the fall of Communism, there was a refreshing spontaneity in last August's decision of forty-seven of the forty-eight states of the Organisation of Islamic Conference to proclaim an Islamic 'declaration' on human rights. There was a genuine exuberance among the representatives of the countries involved who championed the verdict of Islam against the backdrop of the established but universally challenged human rights declarations of the United Nations (Elizabeth Mayer, 1994). Enunciating a ban on torture and grounding it in Islamic principles appears to be a constructive step, particularly since torture has been a routine feature of criminal justice in many Muslim countries. Unfortunately, the disparity between theory and practice leaves one troubled. The evidence that self-professed Islamic States like Iran and Saudi Arabia subsequently continued their patterns of recourse to egregious torture suggests that this Islamic rights model lacked normative force among its most vigorous official proponents in international fora. This leads to the question of whether the OIC members who supported the Cairo Declaration intended to follow its culturally-based principles, especially in cases where those principles would act as a restraint on government repression.

Subsequent to the declaration's promulgation, Egyptian security forces continued to torture critics of the regime, including figures of the same ruling elite who had previously attempted to restrain abuses by framing this Islamic doctrine. The invocation of Islam in this instance failed to confer immunity on the government. In their treatment of torture or

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cruel, inhuman, or degrading punishment, it should be noted that different articles of the Cairo Declaration seem to be at odds with each other. Article 20 does not appear to deal with the problems of regulating states of emergency or derogations from human rights protections, and it provides fewer safeguards against governmental abuse during states of emergency than article 4 of the ICCPR. Because there were no settled Islamic principles dealing with states of emergency, there were no Islamic cultural norms that stood in the way of borrowing the more comprehensive safeguards afforded by the ICCPR against abusive use of states of emergency. This guarantee of 'security' is vague, offering little reassurance in a document where other rights guarantees are weak and ambiguous. Article 18(b) of the Cairo Declaration stipulates a right to privacy in the conduct of personal affairs, in the home, in the family, and regarding property and relationships.

INTERSECTION WITH INTERNATIONAL HUMAN RIGHTS LAW

The Cairo Declaration on Human Rights in Islam (CDHRI) is the Muslim states' response to Western human rights advocacy and international law. Initially, there was unexpected enthusiasm for human rights and the Universal Declaration of Human Rights (UDHR) following its issuance, despite a previous indifference towards such matters. From then until 1992, this lack of engagement persisted. At the Lahore Conference in 1992, traditionalists, facing a challenge to their interpretations of rights, sought to reaffirm their stance. The Cairo Declaration encapsulated their response to these challenges. Simultaneously, there were growing calls for the specification of rights and declarations within Muslim nations, echoed by the United Nations. However, these proposals were not purely driven by a genuine acceptance of international norms (Hashemi & Qureshi, 2022). By the Cairo Conference, Muslim states had extensively suppressed dissent. Nonetheless, the Conference advocated for a thorough examination of human rights in Islam and their formalization in legal frameworks, while remaining detached from the specifics of that investigation, allowing for traditionalist interpretations to prevail. Thus, the resultant understanding of human rights in Islam reflected these underlying perspectives.

As with other Islamic human rights declarations, Islamic criteria are invoked to circumscribe human rights. The Inquiry Commission, established to investigate chthonic human rights in Islam, articulated the terms of reference in traditionalist-approved terminology. Ironically, the moderates failed to anticipate the possibility of a harsh, nonecumenically inclined outcome. The outcome would have been different, had the moderates taken the opportunity to specify human rights in the context of Islamic criteria. Islamic criteria would have been used to accommodate rights being denied all over the Muslim world (Elizabeth Mayer, 1994). While it may be difficult for Western intellectuals and human rights advocates, with little fault to ascribe to them in this conflation of the Islamic bulk with the sum of Islamism's excesses, to comprehend the extent of the rage and revolt against medievalism in the grand narrative of Islam, for those who live with the contradictions it is clear that Islamism has as much chance of providing a syntax for an Islamic moral order as the Al-Qaeda-affiliated movements have of creating an imagined world order. In all likelihood, like violent ideologies in cultures with deep-seated moral and cultural foundations, they too will recede into obscurity. Nevertheless, it is clear that there are more immediate grounds for concern. Non-Muslims may continue to pay the price for the inability of some Muslims to constructively engage with the conflicts within their own cultural edifices. The outrage should be tempered with a measure of understanding.

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INFLUENCE ON REGIONAL LEGAL FRAMEWORKS

The Cairo Declaration on Human Rights in Islam (CDHRI) was issued in 1990 by a meeting of foreign ministers of Muslim states that had come together as the Organization of Islamic Conference (OIC). The OIC was formed in 1971 to provide a political counterpoint to progressive movements in several Muslim states and Western policies regarding them (Elizabeth Mayer, 1994). It began to develop its own agenda, including the Islamification of knowledge and technology, and the promotion of a countermodel of human rights that would challenge the Western conception. In 1981 and 1985, the OIC adopted two 'human rights declarations', but by the OIC summit in 1990, implementation of those declarations had fallen by the wayside. (Mozaffari, 2024) Shortly after the completion of the draft of the Cairo Declaration in 1990, participation for Egypt to be the host country of the Cairo Islamic Summit Conference had been confirmed. The CDHRI became the basis for regional Islamic human rights standards similar to the Cairo Declaration as a result of the efforts of the OIC, but the governments of Muslim states had long wanted to confine human rights protection to states' legal rights based on traditional cultural background.

The CDHRI was the most comprehensive Islamic human rights document and had raised expectations that it could bridge the gap between the Universal Declaration's general protection of human rights and its regional standards, potentially limiting state discretion. After the SDGs, hopes of reconciling Western secular and Islamic traditional standards faded in the 1990s but have recently resurfaced (Mozaffari, 2024). However, following the 2009 Doha Conference on Human Rights in Islam, regional human rights protections became overshadowed by nation-specific cooperation efforts. Critiques of the CDHRI have diminished, and the focus on countries' non-compliance with its provisions has largely shifted towards a UN-centered approach or the opinions of citizens and governments supporting some provisions of the CDHRI.

PUBLIC PERCEPTION AND AWARENESS

UNICEF estimates that over 1.3 billion Muslims live among some 1.5 billion core non-Muslim populations today (Elizabeth Mayer, 1994). The emergence of human rights as a universal moral and legal standard that increasingly governs relations between governments put Islam as a historically significant civilization in the position of defending itself in the world community. In pursuit of principles and precepts derived from Islam that would protect the rights and dignities of all individuals, regardless of their religion and ethnicity that Islamic organizations, including the Organization of Islamic Cooperation (OIC), began to develop an Islamic approach to human rights. As with constitutionalism, the historical evolution of Islam, and developments within contemporary Islam, is in many ways unique. Consensus on the basic principles of Islamic human rights is emerging within the Islamic world, although fragmentation remains an obstacle to the complete determination of Islamic human rights.

At least in theory, both religion and reason emphasize the inviolability of life and prohibitions against torture, kidnapping, and maiming. In practice, states, private individuals, and sub-national entities may commit serious violations of human rights for a variety of reasons principally centered on state security and stability or the advancement of one group at the expense of another. Reason can go astray, leading to perversions of constitutionalism, human rights, and the rule of law that enshrine discrimination; even anti-Semitic and/or anti-Muslim constitutions exist. Additionally, the nature of human rights abuses may differ across states and groups. For example, Eastern countries such as Egypt, Saudi Arabia, Iran, and Iraq have enforced populated and cultural rights in the face

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of popular pressure for civil and political rights. (Sarsar, 2021) In these states, the latter are restricted, but violations in form and intensity differ markedly from the extermination of induce populations taken far outside the legal framework.

Nonetheless, the universal discourse on human rights is of global significance and relevance. It validates grievances against abuses perpetrated by other states and groups. It sets expected standards of acceptable behavior and the possible mark of legitimacy and/or illegitimacy. The emergence of the universal discourse benefits all and constrains the actions of the non-complying states. World public opinion can mobilize for advocacy and sanctions against abusive governments, states, corporations, or individuals. Additionally, the diffusion of modernity dictates conformity in principle or rhetoric at the very least. Legitimacy, advancement, international aid, and trade depend on conformance to agreed global standards. Perception and recognition are lost at states' peril.

MEDIA REPRESENTATION

The Cairo Declaration on Human Rights in Islam (CDHRI), approved on August 5, 1990, by the Organization of Islamic Conference in Cairo, emphasizes that God Almighty is the source of rights and duties. It states that all humans are entitled to rights granted by God, but these rights are qualified and not absolute, as Islam and Shari'ah define man as a vicegerent of God, imposing certain duties. Human actions are bound by Divine limits, encompassing rights of God, rights of man, and self-duties throughout life. The Declaration outlines 22 principles aligned with current international human rights standards, addressing civil, political, social, economic, and cultural rights. Notably, the rights in the Declaration are not considered absolute like international human rights. It also declares that the Islamic ummah is a universal entity, including all without distinction of race, color, or language. However, the ummah, an artificial construct of Shi'ism and Pan-Islamism, does not encompass all nations in the region referred to as Dar al-Islam. Membership in the Islamic ummah is defined by (1) belief in God and prophets; (2) being born of Muslim parents; and (3) conversion to Islam. (Elizabeth Mayer, 1994)

EDUCATIONAL INITIATIVES

Educational initiatives have the potential to play a significant role in remedying the imbalance created by facilitators of hate speech against Muslims. Educational initiatives can highlight the negative impact of such speech on the education and socialization of Muslim children, the promotion of bigotry, and the reinforcement of extremist beliefs and violence (Elizabeth Mayer, 1994). At the same time, educational initiatives can promote the intrinsic value of freedom of expression and counter hate speech by provide an important context from which a rational basis for countering both groups it is decided that should be banned, but that what they stand for, a form of class against an elite. Tolerance and civility do not mean submission to hate speech, but they do mean addressing the social causes that give rise to hatred and prejudice such as promoting the requirement that minor children be educated in public schools or educated in religious schools only under state supervision.

Much hate speech against Muslims may also be countered under legislation on incitement to violence, public disorder, or criminal behaviour. In general, hate speech is not a legitimate form of freedom of expression under the terms of the Convention on the Elimination of All Forms of Racial Discrimination, although this finding is more problematic in relation to idioms such as fanaticism that can apply to both Muslims and non-Muslims. However, where hate speech falls within the scope of legislation prohibiting

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this type of speech, applying that law to the most egregious examples is unlikely to prove effective. (Plaza-del-Arco et al.2021)

Regulatory initiatives include the possibility of making ecumenical organizations with financial power or control over media a target of sanctions. Regulatory initiatives mirror laws such as those making it illegal to promote racism, comprehensively prohibit different categories of hate speech. One approach is to construct a press commission to which Muslims can complain. The commission can determine whether complaints should be taken up, and if so how they should be handled. Another approach would be to enact legislation barring hate speech in the mass media or call a group to complain through an interadministrative assembly. One limit of this option is that cross-country coalitions of organizations are less likely to be formed. The Cairo Declaration goes much further in restricting free expression than the ICCPR, but it is the ICCPR that has been adopted as international law (Zargari, 2024). More recently developed human rights standards bar incitement to violence against national or religious groups, as well as public disclosure of specific allegations against an always identifiable person or group.

FUTURE DIRECTIONS

The UN aims to promote the rejection of an unacceptable reality rather than exonerate politically dominated governments. Research shows that Muslim governments consistently prioritize religious authorities over their sovereign constituents, continuing a struggle between religion and human autonomy. In 'Arab Spring' states, protests often cite "Islamic shari'a" as the source of power. Public accountability to religious authorities is a norm in Islamic states, including Western allies like Saudi Arabia and Egypt. This shift from 'secular' regime interests to divine authority suggests that many Muslim governments won't relinquish harmful practices, viewing UN responsibilities as impediments to accountability to religious authority. (Hasan, 2024) Further research is needed to observe these governments' actions.

The future of human rights in relation to Islam and Islamic states presents a conundrum. Is it suitable to attribute 'cultures' to diverse nations rich in traditions? How can we define human liberty as 'Universal' or 'Islamic'? Beyond local practices, are there solid grounds for deeming one political culture more favorable than another? These intricate issues resist straightforward conclusions about the future of human rights in the Islamic realm. However, a notable observation can be made: human rights, as established from the Congress of Vienna to the League of Nations, aim to serve as a foundation for promoting freedoms. Ultimately, awareness of human rights encourages individuals to leverage local means to improve their living conditions. (Elizabeth Mayer, 1994)

POTENTIAL REVISIONS TO THE DECLARATION

The Cairo Declaration on Human Rights in Islam remains relevant, promoting justice and dignity. However, recent years show a lack of proper reflection of these values in some member states. Focusing on human rights issues to clarify and modernize rights could positively influence the discussion of Islamic and human rights. Amendments to the Declaration require broad consensus among states, and proposed revisions should clarify current rights rather than introduce new ones. (Asghari, 2023) The points below are meant as clarifications, indicating openings for perspectives not covered in the original Declaration. These do not conflict with existing provisions but enhance the ideas presented.

Adjustment of Art. 1 (e): All human beings are both sacred and free and shall be treated in their sanctity and freedom As the reference to sanctity goes beyond mere negativity and

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conveys a sense of chastity or purity, it may not be appropriate to preserve the wording in essence. On the other hand, sanctity can also, in a wider sense, refer to anything secured or ensured according to the will of God and/or a guarantee by the natural order. Therefore, an amended version of the Arabic text, that preserves both the original as well as the possible interpretation of sanctity can be beneficial to prevent misunderstandings.

Inclusion of Human Dignity as a Basis: Human Dignity is the significant addition to the basis and is fully consistent with the current wording of the Preamble. However, it would be prudent to bring the idea of human dignity forward to connect it with creation and the spiritual essence of human beings. Furthermore, it would be effective to add a reference to 'the inherent equal dignity of all human beings' to the wording and asserting the need to respect that dignity akin to Art. 82 to safeguard race, colour or creed. A proposal for new art. Eligible grounds for discrimination opening the view for the inclusion of discrimination on other grounds could be added. This addition would also clarify the relation of the closing sentence of the current Art. 22 (the guarantee for full enjoyment of rights and liberties) with the previous obligations imposed on states.

ADVOCACY FOR HUMAN RIGHTS IN ISLAMIC CONTEXTS

On 26th March 1992, the Organization of the Islamic Conference (OIC) solemnly issued the 'Cairo Declaration on Human Rights in Islam.' This was one of the earliest official documents on human rights with the specific understanding of an international organization. With the issuance of the Cairo Declaration, the OIC indicated that it was asserting the existence of an Islamic countermodel of human rights. Coming from a major organization with the broad mandate, and comprising 48 member countries, the Cairo Declaration brought some conceptions, values and norms to the public arena. (Kramer) The attempt was here to conceptualize and clarify those aspirations and hopes, but also some fears and warnings that the Cairo Declaration on Human Rights in Islam contains. Ironically during the inaugural historical Cairo Ahmadiyya Conference in 1993, the Koranic injunctions and prophecies of the second Righteous Caliph were quoted. The debate created by the fatal confrontation was destined to deeply affect the destiny of mankind.

In addressing the issue of human rights, topics tended to be raised whose direct or indirect implications had repercussions on contemporary international relations and between civilizations. Such topics included political responsibility, the challenge of political Islam, the acceptance and exercising of democracy in the context of Islam, the claim of a universally valid model, a democratic Islam that would be wholly compatible with liberal democratic models, the immutability of Islamic teachings with respect to the human nature that Islam is entrusted to seed on earth, and the confrontation of some contemporary aberrations within the Islamic context (Mohammed et al., 2023). Those raised topics had consequences on several levels of political, societal, and ideological confrontation, and challenged the savvy of politicians, academics, journalists, and ordinary citizens, and appealed to the values of credibility, accountability, and truthfulness themselves (Elizabeth Mayer, 1994).

At the Cahiers Élisabéthains Conference on Emerging Media, the sustainability of public confidence in democracies was questioned in the wake of massive misuse of social media to propagate false information. A symposium on Comparative Advertisement placed in stark opposition the standards of Western democracies on the one side and those of Asian Confucian and Islamic civilizations on the other. The conference at the premises of Cambridge on the Contemporary Islamic World and the Arab Revolution reflected and expanded on the Political Islam's perceived danger (Haider Rizvi, 2016). Respected

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academics attempted to provide evidence of various camps espousing the same normative referents and of normative discredit.

CONCLUSION

At the 1990 Cairo meeting of a group of Muslim states, the Cairo Declaration on Human Rights in Islam was announced. The Cairo Declaration has received little attention outside of the Islamic world except for its publication in a few human rights newsletters. Nonetheless, the Constitution of 1980 of the Islamic Republic of Iran and the Cairo Declaration both contained provisions containing rights akin to those of the Universal Declaration of Human Rights. They nevertheless reflected an effort to demote universal human rights standards viewed as Western. Examining these instruments reveals three paradoxes inherent in both approaches. Focusing on the prospective opposition of Islam to human rights, the Cairo Declaration is often misinterpreted as saying there are no human rights in Islam. However, the critique of the Cairo Declaration as offering an inferior substitute for a proper dome of human rights and as creating an imprecise, subjective set of criteria for acceptable conduct is more astute. Nevertheless, the critique fails to appreciate the more radical departure of the Cairo Declaration from the prior propositions about a dome of rights. The promulgators of the Declaration, in asserting the ultimate authority of Islam over human and civil rights, can claim both the Islamic Republic of Iran's Constitution and the Universal Declaration of Human Rights. Continuing the crusade of the 1980s, at issue are the most fundamental norms of society - thus, a contention that human rights, at least in large part, are conditional on the supremacy of the Western conception of the universe is a contention about the most fundamental basis for social action. However, if anything is clear regarding human rights today, it is the legitimate scope of debate over their content, limitations, and implementation. The Cairo Declaration generally aligns with the rights acknowledged in the Universal Declaration of Human Rights, however, numerous entries arguably violate the Dedara Entry. The underlying basis of engagement in the debate over the Cairo Declaration is that it is an inchoate half-truth, encompassing an admirable but incomplete critique of both the Western concern for human rights and disagreement with the general structure and content of the Cairo Declaration.

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